

REMARKS

Applicants have reviewed and considered the Office Action mailed on July 29, 2003, and the references cited therewith. Claims 1, 8 and 16 are amended, claims 14 and 15 are canceled, and claims 19-23 are added; as a result, claims 1-13 and 16-23 are now pending in this application.

Support for the claim amendments can be found, e.g., at page 6, lines 6-10 of the present invention. Please note that this description provides Applicants' preferred opening member arrangement. As such, no new matter has been added by way of this amendment.

35 U.S.C. §112 Rejections

Claims 14-16 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Applicants respectfully submit that the amended claims overcome this rejection.

Claims 14 and 15 have been canceled herein, and claim 16 has been amended herein, to obviate the Examiner's rejection. As such, Applicants believe claim 16 satisfies the requirement of 35 USC § 112, second paragraph.

In light of the above claim amendments, Applicants respectfully request withdrawal of the 35 USC § 112, second paragraph rejection.

35 U.S.C. §102 Rejections

Claims 1-6, 8-12, 15, 17, and 18 were rejected under 35 USC § 102(b) as allegedly being anticipated by Schlegel, Jr. (U.S. Patent No. 2,517,357). Claims 1-6, 8, 10, 11, 15, 17, and 18 were rejected under 35 USC § 102(b) as being anticipated by Johnson et al. (U.S. Patent No. 6,105,165). Claims 1, 2, 4-7, 10-14, and 16-18 were rejected under 35 USC § 102(b) as being anticipated by Roessler (U.S. Patent No. 4,649,572). Applicants respectfully submits that the amended claims overcome these rejections.

It is axiomatic that for a reference to anticipate under 25 USC § 102 it meets every element of the claimed invention. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986), *cert denied*, 480 U.S. 947 (1987). Although

the use of additional references to confirm the contents of an allegedly anticipating reference is permitted, anticipation does not permit an additional reference to supply a missing claim limitation. *Teleflex, Inc. v. Ficosa North American Corp.*, (Fed. Cir. 2002).

None of Roessler, Johnson, and Schlegel disclose the subject matter of the amended claims. In particular, no reference discloses a clothing shield with one or more opening member(s) along the fold line 28 that forms the bottom of the pocket section 20 (see, claims 1 and 8). Instead, Johnson and Schlegel both include a bib in which the pocket section is extended or collapsed by the user along the top perimeter of the pocket section either by a spring material (see Johnson, column 3, lines 43-55) or by a stiffening element (see Schlegel, column 2, lines 12-15). Roessler does not disclose a spring-like opening member. Instead, he discloses an adhesive member that operates to tab down a multiple V-fold (see Roessler, column 2, lines 47-52).

For these reasons, it is respectfully submitted that these references lead away from the presently amended claims as amended. Accordingly, Applicants respectfully request withdrawal of the 35 USC § 102(b) rejections of the present claims over Schlegel, Jr. (U.S. Patent No. 2,517,357), Johnson et al. (U.S. Patent No. 6,105,165), and Roessler (U.S. Patent No. 4,649,572).

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (612) 373-6939 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

DONALD J. SANDERS ET AL.

By their Representatives,

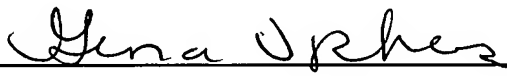
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of October, 2003.

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